

RECEIVED
CENTRAL FAX CENTER

JAN 22 2009

FAX TRANSMISSION**DATE:** January 22, 2009**PTO IDENTIFIER:** Application Number 10/534,081-Conf. #8962
Patent Number**Inventor:** Kohji Fukatsu et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** EDWARDS ANGELL PALMER & DODGE LLP

Gregory B. Butler, Ph.D., Esq.

PHONE: (617) 517-5595**Attorney Dkt. #:** 66530(46590)**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Restriction Requirement (2 pages)
Facsimile Cover Sheet (1 page)
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 517-5595 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874, Boston, Massachusetts 02205
Telephone: (617) 239-0100 **Facsimile:** (617) 227-4420

JAN 22 2009

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

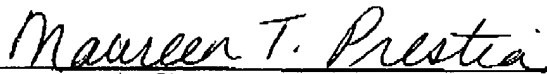
Application No. (if known): 10/534,081

Attorney Docket No.: 66530(46590)

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on January 22, 2009
Date



Signature

Maureen T. Prestia

Typed or printed name of person signing Certificate

N/A

Registration Number, if applicable

(617) 239-0100

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response to Restriction Requirement (2 pages)

Facsimile Cover Sheet (1 page)

Certificate of Facsimile Transmission (1 page)

JAN 22 2009

Docket No.: 66530(46590)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kohji Fukatsu et al.

Application No.: 10/534,081

Confirmation No.: 8962

Filed: June 13, 2005

Art Unit: 4121

For: RECEPTOR FUNCTION REGULATOR

Examiner: Cornet, Jean P.

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed December 26, 2008, Applicant hereby provisionally elects Group III (claims 13-15, 22, 23 & 34), drawn to a compound by the formula (I-2) without traverse.

Applicant also elects provisionally the species consisting essentially of Reference Example 205; tert-butyl 3-[4-[(3-bromobenzyl) oxy] phenyl] propanoate.

The afore-mentioned election is being made solely to comply with, and be fully responsive to, the restriction requirement set forth in the Office Action. The right to file one or more divisional applications on non-elected subject matter is reserved.

Additionally, Applicant reserves the right to pursue rejoinder of withdrawn process claims that depend from or otherwise include all the limitations of an allowable product claim.

Early and favorable examination is requested.

BOS2 716862.1

Application No.: 10/534,081

2

Docket No.: 66530(46590)


FEE AUTHORIZATION

No fees are believed to be due. However, should any fee be due, the Commissioner is authorized to charge such fee to our Deposit Account, No. 04-1105, Reference 61033DIV6(48393). Any overpayment should be credited to said Deposit Account.

Dated: January 22, 2009

Respectfully submitted,

Customer No. 21874

By 
Gregory B. Butler, Ph.D., Esq.

Registration No.: 34,558

EDWARDS ANGELL PALMER & DODGE
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5595

Attorneys/Agents For Applicant

BOS2 716862.1